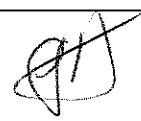


Council Communication

Department: Community Development Offer To Buy City Property Applicant: Michael M. and Janet E. Morgan	Resolution of Intent No. <u>08-139</u> Resolution to Dispose No. <u>08-166</u>	Set Public Hearing: <u>05/12/08</u> Public Hearing: <u>06/09/08</u>
Subject/Title		
Request of Michael M. and Janet E. Morgan to purchase part of Fairview Cemetery abutting their property at 514 Harrison Street, Council Bluffs, IA 51503		
Background/Discussion		
<p>The City has received an Offer to Buy City Property from Michael and Janet Morgan. They wish to purchase a 60± foot by 90± foot portion of Fairview Cemetery abutting their property at 514 Harrison Street as shown on the attached map and described on the attached survey.</p> <p>On April 9, 2008, the Parks Recreation and Public Property Commission approved the sale, subject to the following: That no excavating or building of a permanent structure be allowed on the westerly 60 feet of the subject parcel of park land and that the money from the sale of the land be allocated to the Parks and Recreation Department for future acquisition of park land.</p>		
Recommendation		
The Community Development Department recommends approval of the request of Michael and Janet Morgan to purchase part of Fairview Cemetery for the sum of \$821.25, subject to the restrictions approved by the Parks, Recreation and Public Property Commission.		
Attachment: Location map and survey Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-166

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY DESCRIBED AS A 60± FOOT BY 90± FOOT PORTION OF FAIRVIEW CEMETERY LYING WEST OF 514 HARRISON STREET, AS SHOWN ON THE ATTACHED MAP AND DESCRIBED ON THE ATTACHED SURVEY.

WHEREAS, this City Council previously expressed its intent to dispose of a 60± foot by 90± foot portion of Fairview Cemetery lying west of 514 Harrison Street, as shown on the attached map and described on the attached survey; and

WHEREAS, a public hearing has been held in this matter.

WHEREAS, this conveyance is subject to the restriction that no excavating or building of a permanent structure be allowed on the westerly 60 feet of the subject parcel of park land and that the money from the sale of the land be allocated to the Parks and Recreation Department for future acquisition of park land.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Michael M. and Janet E. Morgan and all successors in interest: A 60± foot by 90± foot portion of Fairview Cemetery lying west of 514 Harrison Street, as described on the attached survey for the sum of \$821.25, subject to the restriction that no excavating or building of a permanent structure be allowed on the westerly 60 feet of the subject parcel of park land and that the money from the sale of the land be allocated to the Parks and Recreation Department for future acquisition of park land.

ADOPTED

AND

APPROVED: June 9, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

Offer to Buy - Morgan



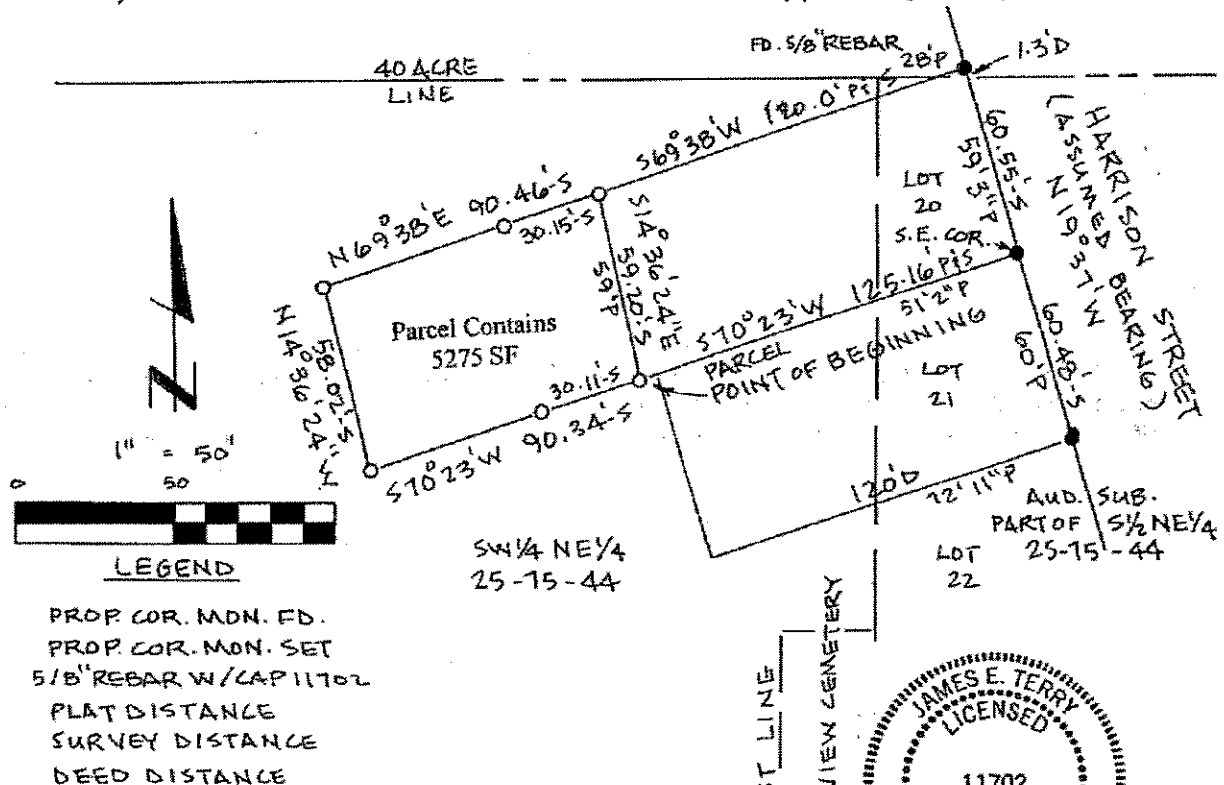
**PARCEL
LEGAL DESCRIPTION:**

A parcel of land located in part of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 75 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa more particularly described as follows:

Commencing at the southeast corner of Lot 20 in the Auditor's Subdivision of part of the South 1/2 of the Northeast 1/4 of Section 25-75-44, Thence along the south line of Lot 20 and the extension of said south line S70°23'W 125.16 feet to the point of beginning, thence continuing along the extension of said south line S70°23'W 90.34 feet, thence N14°36'24"W 58.02 feet, N69°38'E 90.46 feet, thence S14°36'24"E 59.20 feet to the point of beginning.

The parcel described contains 5275 square feet.

The westerly line of Harrison Street is assumed to bear N19°37'W for this survey plat and legal description.



I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

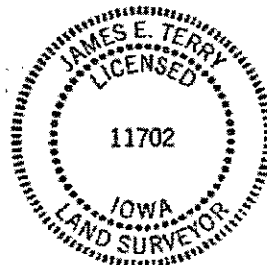
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009.

DATE 25 APR. 2008 BOOK 42 PAGE 69

PROJECT NO. 08-06

J. E. TERRY AND ASSOCIATES 21925 GREENVIEW ROAD COUNCIL BLUFFS, IOWA 51503 (712) 323-3590

EAST LINE
FAIR VIEW CEMETERY



SIGNATURE OF LAND SURVEYOR

James E. Terry
JAMES E. TERRY L.S. 11702

Council Communication

Department: Legal	Ordinance No.	
Case/Project No.	Resolution No. <u>08-167</u>	Council Action: <u>6/9/2008</u>
Applicant		
SUBJECT/TITLE		
A resolution disposing of an interest in City property by granting an easement to MEC and holding a public hearing in said matter.		
BACKGROUND		
A notice of public hearing was published in the Council Bluffs Nonpareil as required by law.		
Recommendation		
Staff recommends the approval of this resolution.		

Richard Wade

Department Head Signature



Mayor Signature

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-167

A RESOLUTION AUTHORIZING THE DISPOSAL OF CERTAIN CITY PROPERTY BY GRANTING AN INGRESS-EGRESS-ACCESS EASEMENT TO MIDAMERICAN ENERGY COMPANY.

WHEREAS, MidAmerican Energy Company (MEC) and the City of Council Bluffs intend to grant unto each other a mutual easement for the right and privilege to construct a private access road over and across tracts of land owned by each of the parties; and

WHEREAS, it is in the best interest of the City to enter into this ingress-egress-access easement with MEC under the terms and conditions contained in the easement document; and

WHEREAS, a public hearing in this matter has been held as prescribed by law.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That disposal of said City property is hereby authorized and execution of the easement document shall be signed by the Mayor.

ADOPTED
AND
APPROVED June 9, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

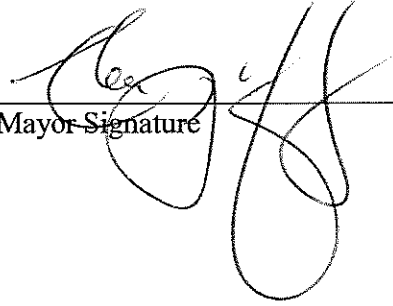
C.A. 6/9/08

Council Communication

Department: Finance	Ordinance No.	First Reading
Case/Project No.	Resolution No. <u>08-168</u>	Second Reading
		Third Reading 6/9/08.
Subject/Title		
Annual Budget Amendment for the fiscal year ending June 30, 2008.		
Background/Discussion		
<p>A public hearing must be held to present any changes to the official budget. The Iowa Code provides that budgets must be amended before any expenditure occurs that would cause a budget program to exceed the original adopted level of appropriations.</p> <p>By amending the budget, we are increasing our authorized level of appropriations in order to accommodate expenditures that were not anticipated at the time the FYE 2008 budget was prepared. The budget is also certified based on the program or function of the expenditure. Even though the total expenditures may not change or even decrease, a change to program expenditures will require a certified amendment. Unanticipated increases to revenue or changes in sources of revenues are being addressed as well.</p> <p>The beginning fund balance as of July 1, 2007, has been amended to reflect the audited ending cash balance of FYE 2007.</p> <p>Official Certification Resolution and support documentation is attached.</p> <p>Publication Date – May 27, 2008.</p>		
Recommendation		
Adopt the budget amendment for Fiscal Year ending June 30, 2008.		

Department Head Signature

Mayor Signature



RESOLUTION

NO. 08-168

**A RESOLUTION TO APPROVE AN AMENDED ANNUAL BUDGET FOR THE
FISCAL YEAR ENDING JUNE 30, 2008**

Be it resolved by the City Council of the City of Council Bluffs, Iowa:

The annual budget for the fiscal year 2008 (7-1-2007 through 6-30-2008) as set forth in the Amended Budget Summary thereof showing the amended revenue estimates and appropriation expenditures and allocations to programs and activities for said fiscal year is adopted, and the Clerk and/or Interim Director of Finance is directed to make filing required by law and to adjust the books in accordance with the summary and details as adopted.

ADOPTED

AND

APPROVED June 9, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

**NOTICE OF PUBLIC HEARING
AMENDMENT OF CURRENT CITY BUDGET**

The City Council of Council Bluffs in POTTAWATTAMIE

will meet at City Council Chambers in City Hall

at 7PM on June 9, 2008
(hour) (Date)

,for the purpose of amending the current budget of the city for the fiscal year ending June 30, 2008
(year)
by changing estimates of revenue and expenditure appropriations in the following functions for the reasons given.
Additional detail is available at the city clerk's office showing revenues and expenditures by fund type and by activity.

		Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources				
Taxes Levied on Property	1	32,029,862		32,029,862
Less: Uncollected Property Taxes-Levy Year	2	433,696		433,696
Net Current Property Taxes	3	31,596,166	0	31,596,166
Delinquent Property Taxes	4	83,819		83,819
TIF Revenues	5	3,597,000		3,597,000
Other City Taxes	6	17,457,346		17,457,346
Licenses & Permits	7	2,872,750		2,872,750
Use of Money and Property	8	1,312,020	629,000	1,941,020
Intergovernmental	9	12,218,412	1,087,000	13,305,412
Charges for Services	10	11,695,000		11,695,000
Special Assessments	11	195,314		195,314
Miscellaneous	12	16,059,499	1,100,000	17,159,499
Other Financing Sources	13	24,578,467	7,505,000	32,083,467
Total Revenues and Other Sources	14	121,665,793	10,321,000	131,986,793
Expenditures & Other Financing Uses				
Public Safety	15	24,912,305		24,912,305
Public Works	16	7,737,122	-780,000	6,957,122
Health and Social Services	17	684,861		684,861
Culture and Recreation	18	5,137,524	500,000	5,637,524
Community and Economic Development	19	4,342,544	1,850,000	6,192,544
General Government	20	10,154,310	1,130,000	11,284,310
Debt Service	21	10,812,375	1,600,000	12,412,375
Capital Projects	22	34,830,000	-6,450,000	28,380,000
Total Government Activities Expenditures	23	98,611,041	-2,150,000	96,461,041
Business Type / Enterprises	24	12,351,678		12,351,678
Total Gov Activities & Business Expenditures	25	110,962,719	-2,150,000	108,812,719
Transfers Out	26	17,746,620		17,746,620
Total Expenditures/Transfers Out	27	128,709,339	-2,150,000	126,559,339
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year	28	-7,043,546	12,471,000	5,427,454
Continuing Appropriation	29		N/A	0
Beginning Fund Balance July 1	30	23,392,971	8,774,524	32,167,495
Ending Fund Balance June 30	31	16,349,425	21,245,524	37,594,949

Explanation of increases or decreases in revenue estimates, appropriations, or available cash:

Additional revenues include Bass Pro revenues, HUD governmental grants, and bond sales proceeds. Expenditure changes include Bass Pro expenditures, decrease in Capital Improvement Programs, and changes in other program expenditures.

There will be no increase in tax levies to be paid in the current fiscal year named above. Any increase in expenditures set out above will be met from the increased non-property tax revenues and cash balances not budgeted or considered in this current budget. This will provide for a balanced budget.

City Clerk/ Finance Officer Name

78-732

CITY BUDGET AMENDMENT AND CERTIFICATION RESOLUTION

To the Auditor of POTTAWATTAMIE County, Iowa:

The City Council of Council Bluffs in said County/Countries met on June 9, 2008, at the place and hour set in the notice, a copy of which accompanies this certificate and is certified as to publication. Upon taking up the proposed amendment, it was considered and taxpayers were heard for and against the amendment.

The Council, after hearing all taxpayers wishing to be heard and considering the statements made by them, gave final consideration to the proposed amendment(s) to the budget and modifications proposed at the hearing, if any. thereupon, the following resolution was introduced.

RESOLUTION No. _____

A RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR ENDING JUNE : 2008
(AS AMENDED LAST ON _____.)

Be it Resolved by the Council of the City of Council Bluffs

Section 1. Following notice published _____ and the public hearing held, June 9, 2008 the current budget (as previously amended) is amended as set out herein and in the detail by fund type and activity that supports this resolution which was considered at that hearing:

		Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources				
Taxes Levied on Property	1	32,029,862	0	32,029,862
Less: Uncollected Property Taxes-Levy Year	2	433,696	0	433,696
Net Current Property Taxes	3	31,596,166	0	31,596,166
Delinquent Property Taxes	4	83,819	0	83,819
TIF Revenues	5	3,597,000	0	3,597,000
Other City Taxes	6	17,457,346	0	17,457,346
Licenses & Permits	7	2,872,750	0	2,872,750
Use of Money and Property	8	1,312,020	629,000	1,941,020
Intergovernmental	9	12,218,412	1,087,000	13,305,412
Charges for Services	10	11,695,000	0	11,695,000
Special Assessments	11	195,314	0	195,314
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Other Financing Sources	13	24,578,467	7,505,000	32,083,467
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Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year	28	-7,043,546	12,471,000	5,427,454
Continuing Appropriation	29	0	N/A	0
Beginning Fund Balance July 1	30	23,392,971	8,774,524	32,167,495
Ending Fund Balance June 30	31	16,349,425	21,245,524	37,594,949

Passed this _____ day of _____
(Day) (Month/Year)

Signature

City Clerk/Finance Officer

Signature

Mayor

CITY OF COUNCIL BLUFFS

INTER-OFFICE MEMO

DATE: MAY 6, 2008

TO: HONORABLE THOMAS P. HANAFAN, MAYOR

FROM: LINDA ANDERSEN, ACTING DIRECTOR OF FINANCE

RE: BUDGET AMENDMENT NUMBERS FOR FYE 2008

A public hearing is being scheduled for the June 9, 2008 Council Meeting for the purpose of amending the current year FYE 2008 operating budget. The following identifies the nature of the changes indicated in the "Current Amendment" column of the Budget Amendment.

EXPLANATION OF AMENDMENTS:Revenues & Other Financing SourcesUse of Money & Property

Bass Pro Rental		629,000
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Intergovernmental

Bass Pro - Pott. County Development	337,000	
CD-Block Grant - HUD Grant	<u>750,000</u>	1,087,000

Miscellaneous Sources

Bass Pro - Iowa West Foundation		1,100,000
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Other Financing Sources

Bond Proceeds- Issued May 2008		7,505,000
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Total Amendments to Revenues & Other Financing Sources		<u><u>10,321,000</u></u>
--	--	--------------------------

Expenditures & Other Financing UsesPublic Works

Road Use Fund - Equipment Maintenance moved to General Government	<u>(780,000)</u>	(780,000)
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Culture and Recreation

Trust Funds - Library Gifts & Memorials	360,000	
Trust Funds - Misc. Projects - landscaping,	40,000	
General Fund - Parks & Recreation - Forestry	<u>100,000</u>	500,000

Community and Economic Development

Bass Pro - Property taxes	1,100,000	
Trust Fund - Miscellaneous Projects - HUD Grant	<u>750,000</u>	1,850,000

General Government

Road Use Fund - Equipment Maintenance received from Public Works	780,000	
Fiduciary Funds - Retirees 411 Benefits	<u>350,000</u>	1,130,000

<u>Debt Service - Bass Pro</u>		1,600,000
--------------------------------	--	-----------

Capital Projects

Capital Improvement Program amended 12-10-07

-6,450,000

Total Amendments to Expenses, Debt Service & Capital

-2,150,000Fund Balance

Projected Beginning Fund Balance July 1, 2007

32,167,495

Net Activity for Fiscal Year 2008

5,427,454

Projected Ending Fund Balance June 30, 2008

37,594,949

Council Communication

Department: Fire Case/Project No. FY 08-28 Applicant. Alan R. Byers	Ordinance No. Resolution No. <u>08-169</u>	Council Action <u>6/9/2008</u>
Subject/Title		
Regional Fire Training Facility		
Background/Discussion		
<p>The Fire Department is requesting action on a resolution approving the plans, specifications, form of contract and cost estimate and advertising for bids, setting June 18, 2008 at 10:00 a.m. as the date and time for the bid opening for the Regional Fire Training Facility site work and paving project</p> <p>This phase of the project will establish the grade and base for the concrete paving, build an onsite storm water detention area, pave the tower and training area and install security fencing and lighting.</p> <p>Funding for this project is a combination of Capital Improvement Program funding and State allocations through the Fire Service Training Bureau. The Engineers opinion of probable cost for this phase of the project is \$712,821.</p>		
Recommendation		
<p>It is Staff recommendation that the attached resolution approving the plans, specifications, form of contract and cost estimate for the Regional Fire Training Facility site work and paving project be approved and that the City Clerk be directed to advertise for bids, setting June 18, 2008 at 10:00 a.m. as the date and time for the bid opening.</p>		

Department Head Signature



Mayor Signature

RESOLUTION NO. 08-169

A resolution approving the plans, specifications, form of contract and cost estimate for the site work and paving phase of the Regional Fire Training Facility project.

Whereas, the City has made significant progress in the construction of the fire training building; and

Whereas, as the building is completed the next portion of the project is the associated dirt work, creation of a storm water detention area, concrete paving, site fencing and lighting; and

Whereas, the plans, specifications, form of contract and cost estimate are on file in the office of the City Clerk; and

Whereas, a Notice of Public Hearing was published as required by law, and a public hearing was held on June 9, 2008.

NOW, THEREFORE, LET IT BE RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

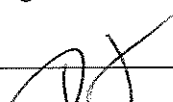
That the plans, specifications, form of contract and cost estimate for the site work and paving phase of the Regional Fire Training Facility project are hereby approved and that the City Clerk is directed to advertise for bids, setting June 18, 2008 at 10:00 a.m. as the date and time for the bid opening.

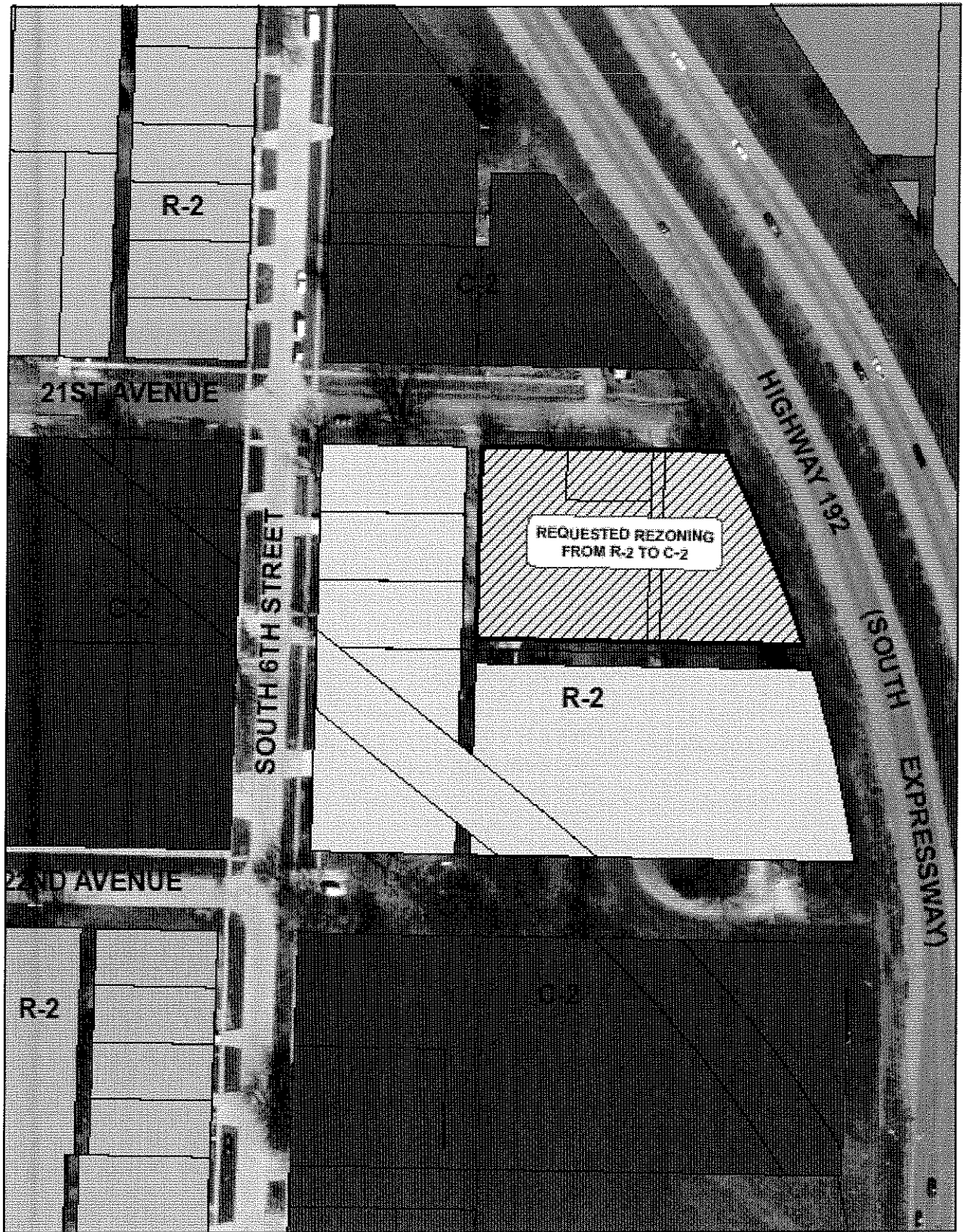
ADOPTED
AND
APPROVED June 9, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

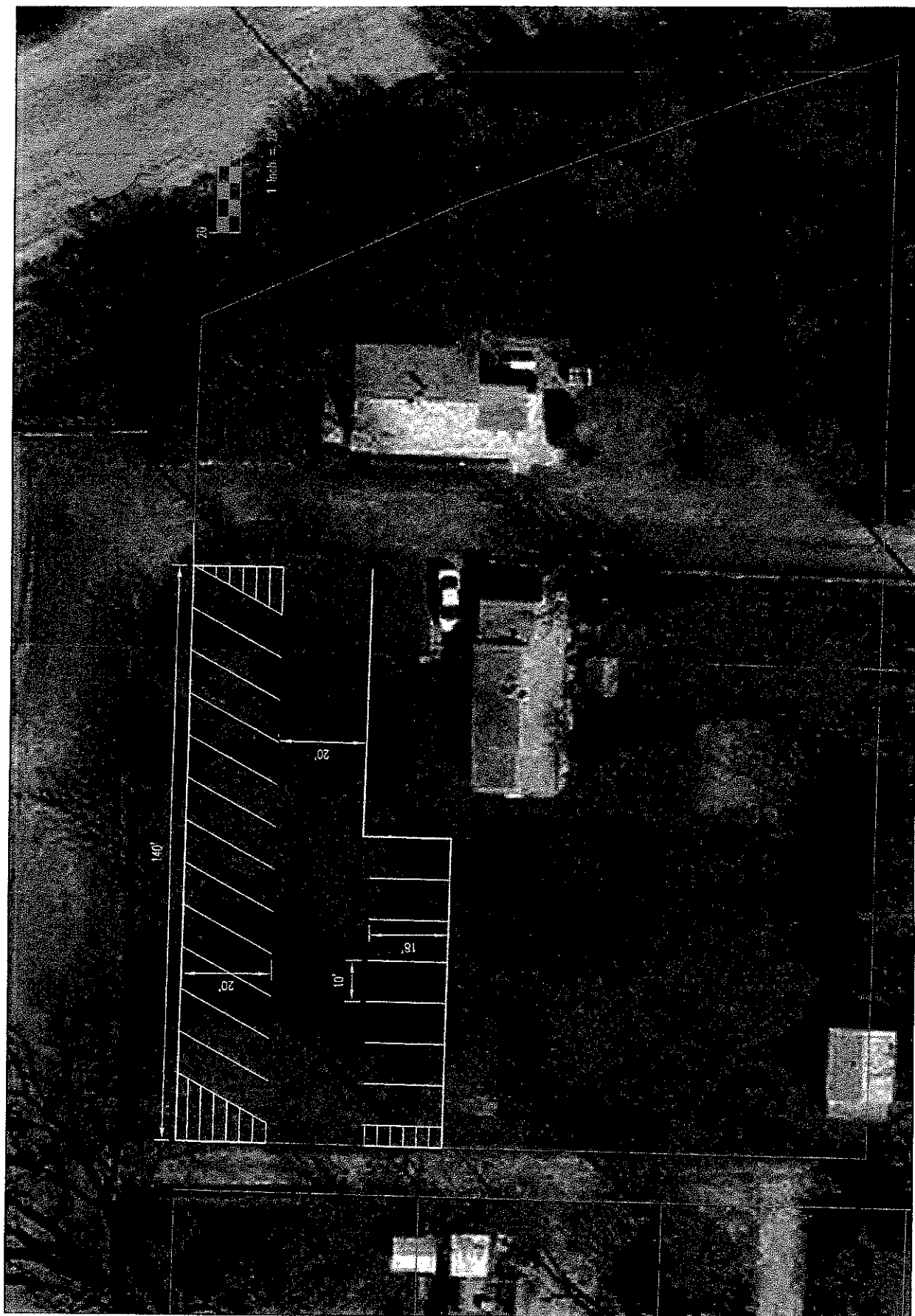
Council Communication

Department: Community Development Case # ZC-08-006 Applicant: Michael L. Collins	Ordinance No. <u>5981</u>	City Council: 3/24/08 Planning Commission: 3/11/08 First Reading: <u>March 24, 2008</u> Second Reading: <u>April 14, 2008</u> Third Reading: <u>June 9, 2008</u>
Subject		
<p>Request of Michael Collins, 520 – 21st Avenue, to rezone the property located at 427 – 21st Avenue from R-2/Two Family Residential to C-2 Commercial. This property is legally described as Lots 20 through 25, except the east 10 feet of Lot 22, lying west of Highway 192 (South Expressway) and the North 1/2 of the vacated alley adjacent, Block 14, Hughes and Doniphan's Addition.</p>		
Background		
<p>Michael Collins is requesting rezoning of the above described property from R-2/Two Family Residential to C-2 Commercial to allow the construction of a parking lot on part of the property in order to provide additional truck parking for the nonconforming hauling business at 520 – 21st Avenue. He originally received a citation of municipal infraction for illegal parking on public right-of-way, specifically parking his construction vehicles on 21st Avenue, on June 19, 2007 with subsequent arraignment on June 25, 2007. Mr. Collins went to court on September 17, 2007 and is still under judge's advisement.</p> <p>On January 7, 2008, he was sent, via certified mail, a citation of municipal infraction for illegal parking of vehicles on the subject property. This certified letter was returned to the Community Development Department on or after January 23, 2008 unclaimed. It has been determined that Mr. Collins is utilizing this residential property for employee parking along with numerous other vehicles, trailers, and campers that are unlicensed and considered a nuisance per City Ordinance 4.15.040 and presently being handled by Public Health. Several subsequent inspections have found that employees are no longer parking on 427 – 21st Avenue but the nuisance vehicles still persist.</p> <p>All property owners within 200 feet were notified of the requested rezoning. One owner, Roberta Jay, 522 – 22nd Avenue contacted the Community Development Department to voice her opposition to the request. (See attached letter.)</p>		
Discussion		
<p>The 1928 Zoning Map shows this property as F-Open. With the adoption of the 1965 Zoning Map, the entire block was rezoned to C-2 Commercial even though no commercial activity ever took place. It was then rezoned from commercial to residential in 2005 (Case #ZC-05-012) in order to bring five residential uses into compliance. Also, the requested rezoning back to commercial is inconsistent with the 1994 Comprehensive plan which shows this block as multi-family residential.</p> <p>Public Works is opposed to the requested rezoning. South 6th Street was reconstructed to residential standards and may not be sufficient for increased commercial traffic. Also, this portion of 21st Avenue (east of South 6th Street) does not meet current City standards.</p> <p>The existing single family properties on the site are not going to be removed creating additional nonconforming uses.</p> <p>The applicant has not provided any information demonstrating that the property is suited for commercial use or if a market exists for commercial development. The requested rezoning appears to be in support of an illegal trucking operation located to the north.</p>		
Recommendation		
<p>The Community Development Department recommends denial of the request to rezone 427 – 21st Avenue legally described as Lots 20 through 25, except the east 10 feet of Lot 22, lying west of Highway 192 (South Expressway) and the North 1/2 of the vacated alley adjacent, Block 14, Hughes and Doniphan's Addition from R-2 to C-2 for the reasons stated above.</p>		
Public Hearing		
<p>Michael Collins, 520 21st Avenue appeared before the Planning Commission in favor of the request.</p> <p>Roberta Jay, 522 22nd Avenue (letter and pictures attached) and Gary Slatten, 1915 South 8th Street appeared in opposition.</p>		
Planning Commission to City Council		
<p>The Planning Commission recommends rezoning the property described above from R-2/Two Family Residential to C-2 Commercial.</p>		
<p>VOTE: Aye 5 Nay 3 Abstain 0 Absent 3 Motion Carried.</p>		
<p>Attachments: Map showing proposed rezoning area and surrounding zoning, layout of proposed parking lot and letter of opposition.</p>		
<p>Prepared By: Rebecca Sall, Planning Technician, Community Development Department</p> <div style="text-align: right; margin-top: 20px;"></div>		



CASE #ZC-08-006





Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 5981

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED AT 427 – 21ST AVENUE, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS R-2/TWO FAMILY RESIDENTIAL TO C-2/COMMERCIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.09 AND 15.15 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located at 427 – 21st Avenue, as shown on the Attachments, and legally described as follows:

Lots 20 through 25, except the east 10 feet of Lot 22, lying west of Highway 192 (South Expressway) and the North ½ of the vacated alley adjacent, Block 14, Hughes and Doniphan's Addition, Council Bluffs, Pottawattamie County, Iowa,

from its present designation as R-2/Residential to C-2/Commercial as set forth and defined in Chapters 15.09 and 15.15 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION: March 24, 2008
SECOND CONSIDERATION: April 14, 2008
PUBLIC HEARING: April 14, 2008
THIRD CONSIDERATION: _____

Planning Case No. ZC-08-006

ROBERTA JAY
522 22ND AVE
COUNCIL BLUFFS
IA 51501
712-256-1475

COUNCIL BLUFFS
COMMUNITY DEVELOPMENT DEPT.

MAR - 5 2008

MARCH 5, 2008

RECEIVED

CITY PLANNING COMMISSION
COUNCIL BLUFFS
IA

DEAR COUNCIL,

I AM IN OPPOSITION OF THE REZONING OF THE PROPERTY AT 427 21ST AVE, COUNCIL BLUFFS, IA. EVEN THOUGH THE REZONING DOES NOT AFFECT MY PROPERTY DIRECTLY, IT DOES, IN FACT, AFFECT THE NEIGHBORHOOD IN WHICH I RESIDE.

I HAVE SPENT THOUSANDS OF DOLLARS OVER THE PAST 5 YEARS TO IMPROVE MY PROPERTY. THE PRESENCE OF THE TRUCKING COMPANY ASSOCIATED WITH THIS PROPOSAL IS AN EYE SORE TO THE WHOLE NEIGHBORHOOD AND WILL AFFECT THE FUTURE SALE OF MY PROPERTY. THOSE TRUCKS CAUSE AN INCREASE IN THE NOISE LEVEL WHEN THEY PASS BY, THEY CREATE A GREAT DEAL OF DIRT AND DUST, AND THEY ADD THE STINK OF DIESEL FUEL. THE ADDITION OF A PARKING LOT WOULD BE A FURTHER EYE SORE AND IRRITANT. IT WOULD ADD CARS, TRUCKS, AND OTHER VEHICLES TO THE ALREADY PRESENT ASSORTMENT OF CAMPING TRAILERS AND SUCH PARKED THERE. **ENCLOSED ARE PICTURES TAKEN 3-3-08. #1 IS THE VIEW I HAVE EVERY DAY FROM MY DRIVEWAY. #2 IS A CLOSE UP VIEW OF THE SAME THING. #3 IS TAKEN FROM THE TRACE WALKING TOWARD 6TH ST.**

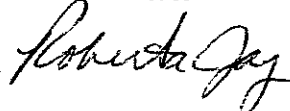
THE SPEED OF THE TRUCKS AND THOSE SAME DRIVERS IN THEIR PERSONAL VEHICLES ARE ALSO A DANGER TO THE NEIGHBORHOOD. THE ARRIVAL OF THE WABASH TRACE ADDITION TO OUR BLOCK WILL INCREASE THE FOOT AND CYCLE TRAFFIC. THE MAJORITY OF THE DRIVERS THAT WORK FOR THAT TRUCKING COMPANY **DO NOT ABIDE BY THE SPEED LIMIT AND WILL LIKELY CAUSE A SERIOUS ACCIDENT WHERE THE TRACE CROSSES 6TH ST.** THE ACCUMULATION OF PARKED VEHICLES WOULD ALSO NOT BE A PLEASANT SIGHT FOR THOSE OUT FOR A WALK ON THE TRACE.

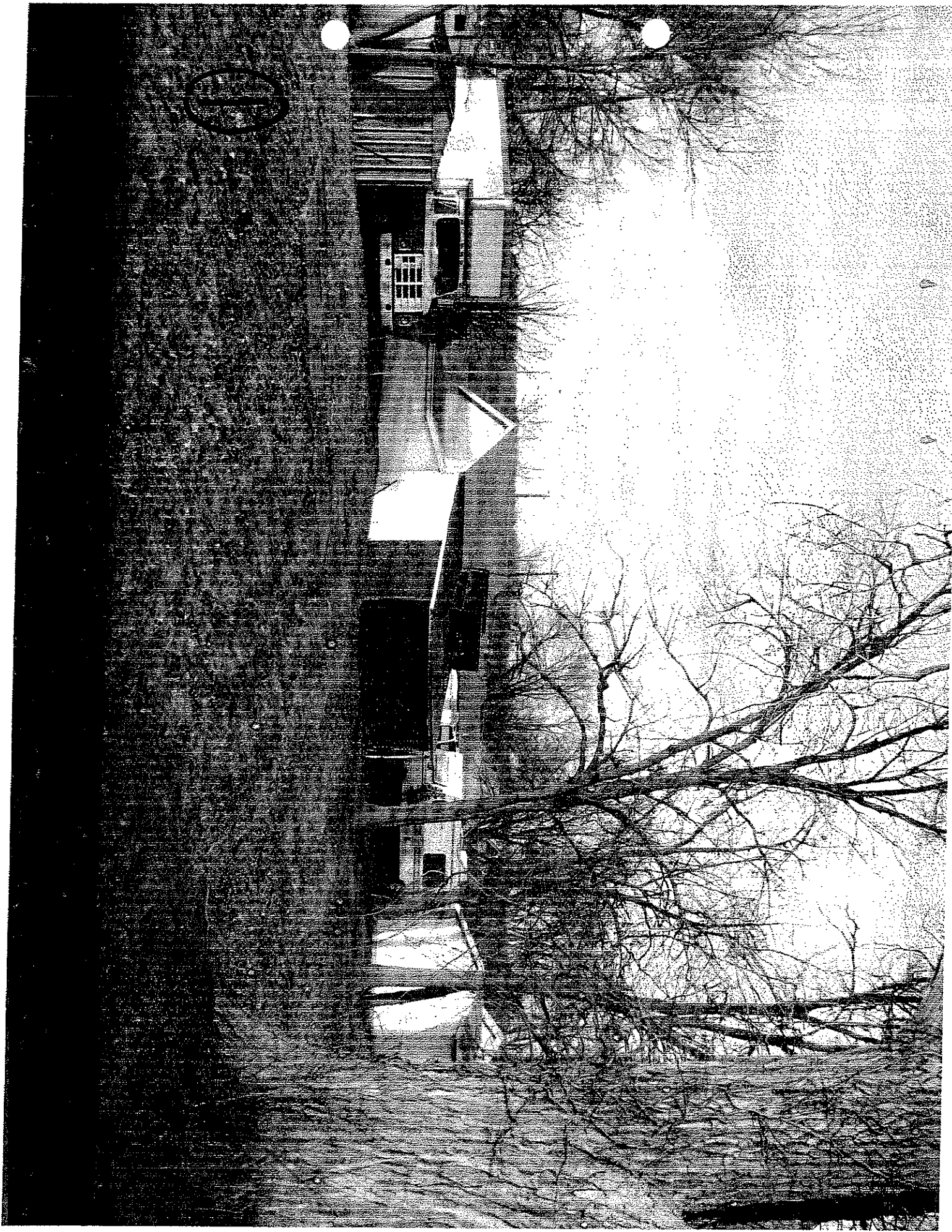
I HAVE AN ADDITIONAL CONCERN ABOUT THE WEAR AND TEAR ON THE STREET FROM THOSE LARGE VEHICLES AND HOW LONG WILL IT BE BEFORE OUR STREET IS TORN UP AND IN NEED OF REPAIRS?

IT WAS ONLY SEVERAL YEARS AGO THAT THIS CLUSTER OF PROPERTIES WAS REZONED TO RESIDENTIAL, AND I SEE NO REASON FOR THAT ZONING TO BE CHANGED AT THIS TIME.

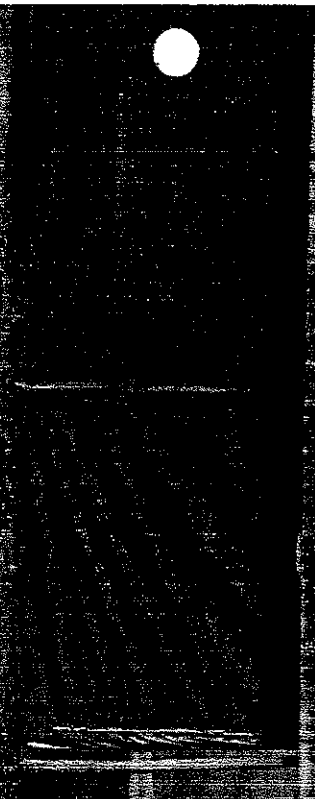
SINCERELY,

ROBERTA JAY

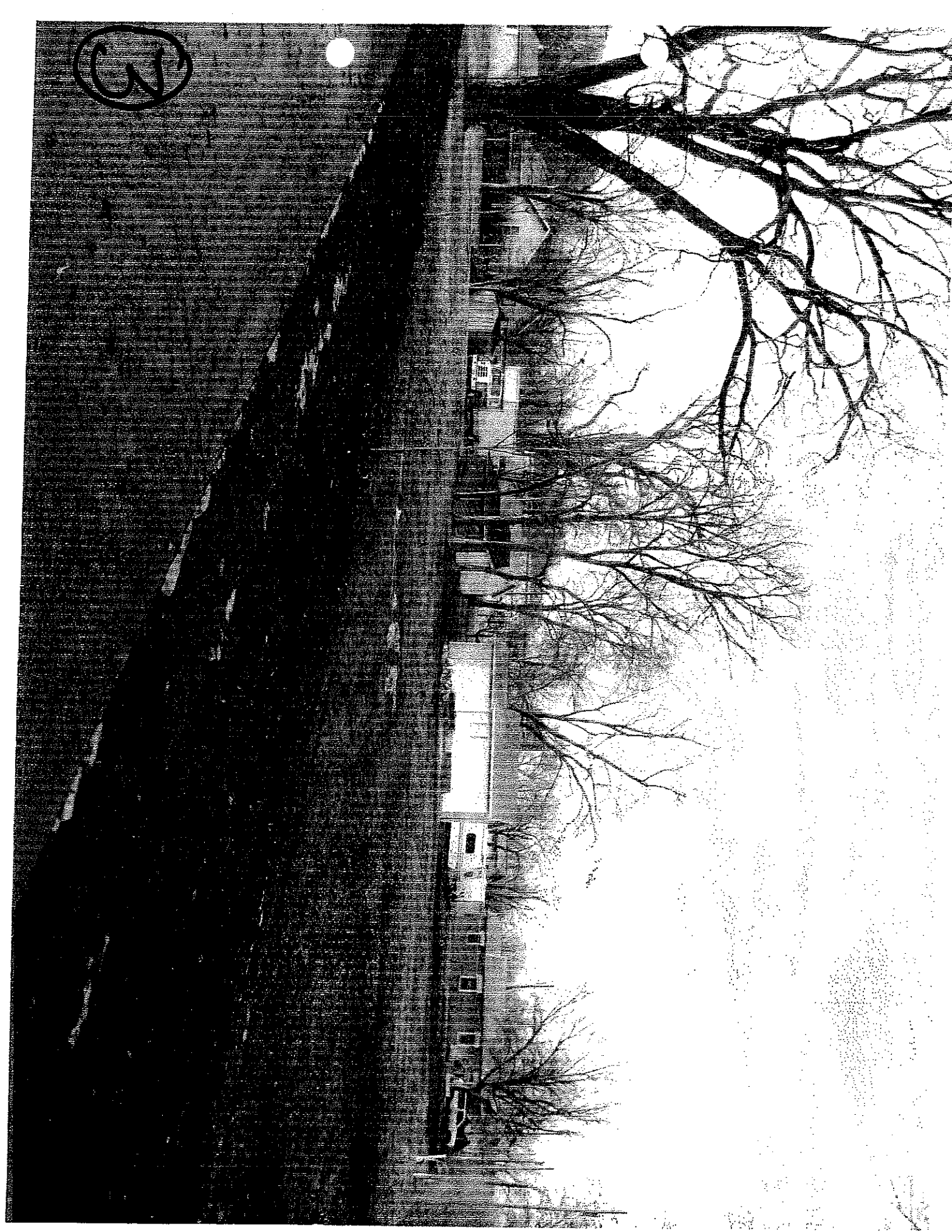




23



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PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof

began on the 6th day of April, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 14th day of April, A.D. 2008.

**NOTICE OF PUBLIC HEARING
ON PROPOSED REZONING OF PROPERTY**
TO WHOM IT MAY CONCERN:
You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has scheduled a public hearing on a proposed ordinance to amend the zoning map of the City of Council Bluffs, Iowa, by changing the district designation of certain grounds, property and premises located at 427 - 21st Avenue, legally described as follows:
Lots 20 through 25, except the east 10 feet of Lot 22, lying west of Highway 192 (South Expressway) and the North 1/2 of vacated alley adjacent, Block 14, Hughes and Doniphan's Addition, Council Bluffs, Pottawattamie County, Iowa, from its present designation as R-2/Residential to C-2/Commercial as set forth and defined in Chapters 15.09 and 15.15 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.
You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 2:00 p.m. on the 14th day of April, 2008, in the City Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, Iowa 51503, at

which time and place all persons interested in said matter will be given an opportunity to be heard.
Judith Ridgeley, City Clerk
Planning Case No. ZC-08-006
2008 (4) 6 - 1 Sunday

Amy McKay
Daily Nonpareil Controller

Tiffany N. Schmitt
Notary Public

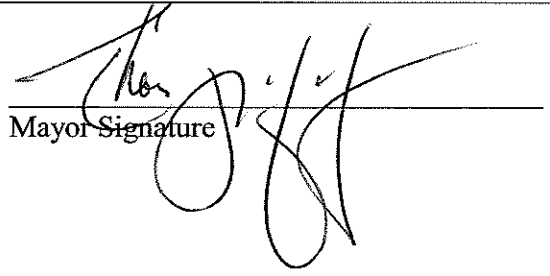


Filed this 14th day of April, A.D. 2008.
Publication Cost: \$ 15.56

Council Communication

Department: Legal	Ordinance No. <u>5996</u>	First Reading <u>4/28/2008</u>
Case/Project No.	Resolution No.	Second Reading <u>5/12/2008</u>
Third Reading _____		
Subject/Title		
An Ordinance to amend Chapter 1.10 "Administration and Personnel" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing and reenacting Section 1.10.020 "Compensation of Mayor".		
Background/Discussion		
At the request of Councilmember Walsh, an ordinance has been prepared that will increase the salary of the Mayor to \$93,369 per year, effective January 1, 2010. The ordinance also provides for a 3.5% annual increase thereafter.		
The salary of the Mayor has not increased since 2005. On July 1, 2008, the pay range for department heads will be \$77,550-\$98,976.		
Recommendation		
Pass and approve the proposed amendment to the Mayor's salary.		

Department Head Signature



Mayor Signature

ORDINANCE NO. 5996

AN ORDINANCE to amend Chapter 1.10 “Administration and Personnel” of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing and reenacting Section 1.10.020 “Compensation of Mayor”.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.10 “Administration and Personnel” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 1.10.020 “Compensation for Mayor”, to read as follows:

“1.10.020 Compensation for Mayor. ~~Effective January 1, 2002, the compensation for the mayor shall be seventy three thousand dollars (\$73,000.00). Compensation for the mayor shall increase as follows: January 1, 2003—seventy four thousand eight hundred twenty five dollars (\$74,825.00); January 1, 2004—seventy six thousand six hundred ninety five dollars (\$76,695.00); January 1, 2005—seventy eight thousand six hundred fifteen dollars (\$78,615.00).~~ Effective January 1, 2010, the compensation for the mayor shall be \$93,369.00 annually. Thereafter, compensation for the mayor shall increase by either 3.5%, or the cost of living increase for the previous year as determined by the Consumer Price Index for the Kansas City Region, whichever is less.”

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5643, Section 1, 2001).

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

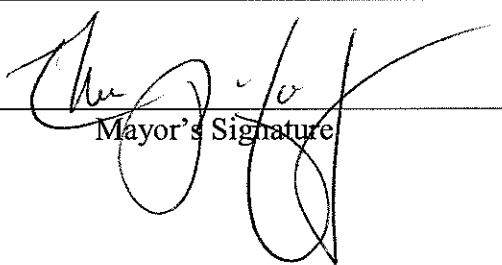
First Consideration: April 28, 2008
Second Consideration: May 12, 2007 (cont. by Council until 6/9/08)
Public Hearing: _____
Third Consideration: _____

Council Communication

Department: Public Works Division: Building Case/Project No.	Ordinance No. <u>6000</u>	First Reading <u>May 12, 2008</u> Second Reading Third Reading
Subject/Title		
AN ORDINANCE to amend 2005 Municipal Code of Council Bluffs, Iowa, Title 13 entitled "Buildings and Construction" Chapter 13.10 which is entitled "Licensing of the Mechanical Trade", by amending parts of Section 13.10.070 entitled "Licensing – Generally" and also Section 13.10.080 entitled "Licensing – Fees" to be codified.		
Background/Discussion		
On April 21, 2008, the City was informed by the Iowa Department of Public Health that the Governor signed into law HF2390 which stated that local jurisdictions that issued licenses on July 1, 2008, are required to continue to issue license until June 30, 2009. On July 1, 2009, all local licensing programs become null and void.		
Amendments		
This ordinance is amending verbiage in Section 13.10.070 and Section 13.10.080		
Recommendation		
The Public Works Director and the Building Official recommend that the City Council favorably consider this proposed ordinance and pass it into law.		

Public Works Director's Signature

Building Official's Signature



Mayor's Signature

50

ORDINANCE No. 6000

AN ORDINANCE to amend 2005 Municipal Code of Council Bluffs, Iowa, Title 13 entitled “Buildings and Construction” Chapter 13.10 which is entitled “Licensing of the Mechanical Trade”, by amending parts of Section 13.10.070 entitled “Licensing – Generally” and also Section 13.10.080 entitled “Licensing – Fees” to be codified.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

SECTION 1. AMENDMENT. That the 2005 edition of the Municipal Code of Council Bluffs, Iowa, Title 13 entitled “Buildings and Construction” Chapter 13.10 entitled “Licensing of the Mechanical Trade”, is hereby amending parts of Section 13.10.070 entitled “Licensing – Generally” which shall be codified and read as follows:

Section 13.10.070(b)

All Council Bluffs mechanical licenses shall expire annually on July 1st and may be renewed upon application of the licensee payment of fee to the City Treasurer. All Council Bluffs mechanical licenses shall expire on July 1, 2008 2009, at which time the City will be prohibited by the State from licensing the mechanical trade.

Section 13.10.070(c)

Any Licensee whose license has expired shall have the right to renew such license, without examination, on or before ~~the following July 1st~~ sixty calendar days after license expiration.

SECTION 2. AMENDMENT. That the 2005 edition of the Municipal Code of Council Bluffs, Iowa, Title 13 entitled “Buildings and Construction” Chapter 13.10 entitled “Licensing of the Mechanical Trade”, is hereby amending parts of Section 13.10.080 entitled “Licensing – Fees” which shall be codified and read as follows:

Section 13.10.080

Before a license shall be issued under this chapter, the applicant shall pay the ~~biennial~~ license fees as set forth in the current schedule of fees, adopted by the city council.

If an expired license is not renewed by the ~~following June 15th~~ license expiration date , there will be a penalty fee as found in Chapter 2.08 of this code in addition to the license fee.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed including Ordinance #5985.

Hereby, Municipal Code Chapter 13.10 entitled “Licensing of the Mechanical Trade” shall be repealed in its entirety on July 1, 2009.

SECTION 4. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 5. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication on (- -2008) as by law provided.

PASSED

AND

APPROVED: _____, 2008

Thomas P. Hanafan, Mayor

Attest: _____
Judith H. Ridgeley, City Clerk

First Consideration: May 12, 2008
Public Hearing:
Second Consideration:
Third Consideration:

Council Communication

Department: Health – Solid Waste Division Case/Project No. Applicant: Donn Dierks	Ordinance No. <u>6001</u> Resolution No. <u> </u>	1 st Reading: <u>May 5, 2008</u>
Subject/Title Changes to Municipal Code - Chapter 4.12 – Solid Waste Collection and Disposal Changes to Municipal Code - Chapter 2.08.040 – Fees and charges under 4.12.110(a)(b) & (c)		
Background/Discussion With the implementation of curbside recycling, there are changes to Chapter 4.12 of the Municipal Code that are needed. Moving from unlimited solid waste collection to a limited collection is the most dramatic change. New definitions of curbside recycling and recyclable materials were also added. Yard waste and recyclable collections were explained in detail. With the new city collection contractor starting on July 1 st , there is a need to increase the garbage collection fee. The low income allowance was increased as was the low income fee. Since we are putting limitations on the amount of trash collected, a extra bag charge was also included.		
Recommendation I would recommend that the Mayor and City Council approve the revisions to Chapter 4.12 and to the fee changes in 2.08.040.		

Department Head

Mayor Signature

5D

Inter-Office Memo
City Of Council Bluffs
Department of Public Health

5/5/08

To: Mayor Hanafan

From: Donn Dierks – Director of Public Health

RE: Changes to Municipal Code – Chapter 4.12 – Solid Waste Collection and Disposal as and subsequent Schedule of Fees Ordinance Raising the Residential Solid Waste Collection and Disposal Fees from \$12.00/month to \$16.00/month.

With the implementation of curbside recycling Chapter 4.12 had to be amended to include several changes in the way collection of solid waste will be conducted in Council Bluffs. The major change will put a limitation on the number of bags of refuse a residential customer can place at curbside.

With the approval of the new solid collection contract, current fees will not adequately cover the expenses incurred by the Solid Waste Enterprise Fund. The attached spreadsheet compares the expenses and revenues for the five year contractual period.

Consequently, I would recommend the changes to Chapter 4.12 be approved as well as current rate for residential solid waste collection service, disposal and other solid waste management programs be increased by \$4/month to a rate of \$192.00/year (\$16.00/month).

Concur: Thomas P. Hanafan – Mayor

ORDINANCE NO. 6001

AN ORDINANCE to amend Chapter 4.12 "Solid Waste Collection and Disposal" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing and reenacting Sections 4.12.010 "Definitions", 4.12.020 "Legislative findings", 4.12.040 "Storage of solid waste prohibited", 4.12.060 "Collection and disposal – Rules and regulations", and 4.12.110 "Collection fees – Residential",.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 4.12 "Solid Waste Collection and Disposal" of the 2005

Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 4.12.010 "Definitions", to read as follows:

4.12.010 Definitions.

The following words and phrases when used in this chapter shall have the following meanings:

- (1) "Administrative authority" means the mayor or his/her designee.
- (2) "Bag" means a plastic or other sack designed to store solid waste with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed thirty (30) pounds. Bags shall not have a capacity greater than thirty-three gallons.
- (3) "Bulk container" means a receptacle designed for the storage of a large quantity of solid waste, not exceeding nine cubic yards, and designed for automated collection by collection vehicles, and includes what is popularly referred to as a "dumpster."
- (4) "Bulky waste" means large household appliances; stoves, refrigerators, water heater tanks, washing machines, toilets, bathtubs, furniture, carpets and rugs, and other household waste materials bundled so as not to exceed sixty pounds or four feet in length, and two feet in diameter.
- (5) "Bundle" means trees, shrubs and brush trimmings, newspaper and magazines, or other non-household waste materials securely tied together forming an easily handled package not exceeding four feet in length, and two feet in diameter or sixty pounds in weight.
- (6) "Byproducts" means and includes:
 - (a) All material produced, developed or generated incidental to the operation of any business, which is not the principal object of production of such business, but which material, due to its nature, can be sold by the producer thereof at a price greater than the cost of hauling such material to the point of delivery;
 - (b) Material which, due to its nature, can be sold by the producer thereof, at the point of production, for a valuable consideration;
 - (c) Material that the owner or producer thereof can, due to its nature, have removed from his or her premises without cost to him;
 - (d) The following, but not limited to the following items: suet, tallow, bones, and meat

trimmings; leafy vegetable matter such as lettuce trimmings, cabbage trimmings, carrot tops, and corn husks; stale bread and pastry; fruit or vegetables no longer fit for human consumption; and

(e) Any material which the administrative authority determines to be byproducts.

(7) "City contract agent" means the person, firm, or corporation with which the city has contracted to collect the residential solid waste of its residential customers.

(8) "Commercial collection agent" means a person, firm, or corporation engaged in the business of collecting solid waste from one or more commercial establishments and/or residential premises for disposal.

(9) "Commercial establishment" means any hotel, motel, trailer court or park, restaurant, market, grocery store, hospital, church, school, country club, private club, store, business concern, farm operation, industrial plant, manufacturing facility, processing facility, service establishment, regardless whether operated for profit or not.

(10) "Construction debris" means waste building materials resulting from construction, remodeling, repair or demolition operation, including but not limited to wood, concrete, brick, glass, plaster, plasterboard, and roofing materials.

(11) "Container" means a receptacle with handles and with a capacity of greater than twenty (20) gallons but not more than thirty-two (32) gallons constructed of plastic, metal, or fiberglass and having a tight-fitting lid capable of preventing entrance into the container by vectors. The mouth of a container shall have a diameter greater than or equal to that of the base. The weight of a container and its contents shall not exceed sixty pounds. Other containers agreeable to both city and contractor may be used.

(12) "Curbside" means that portion of right-of-way immediately adjacent to the curb or to the traveled portion in the case of a street, or immediately adjacent to the traveled portion in the case of a paved or approved alley.

(13) "Curbside recycling" means the weekly collection of recyclable materials at curbside by the City's contract agent.

~~(13)~~ (14) "Dead animals" means animals or portions thereof that have expired from any cause, except those slaughtered or killed for human use.

~~(14)~~ (15) "Disabled" means any person who (by advanced age or otherwise) lacks competent power, strength, or physical or mental ability to move solid waste containers of the type specified in these specifications.

~~(15)~~ (16) "Disposal" means the process of removing solid waste from the point of generation and transporting it to an approved disposal site at which it is to be left for permanent keeping or destruction.

~~(16)~~ (17) "Disposal site" means a solid waste depository, including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approval.

~~(17)~~ (18) "Firewood" means any wood cut into a length of not more than thirty (30) inches or a diameter of not more than eight inches and free of any paint, varnish, or other preservative.

~~(18)~~ (19) "Garbage" means every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation of, decay or decomposition of meats, including but not by way of limitation putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents; except in all cases any matter hereinafter included in the definition of "bulky waste," "construction debris," "dead animals," "hazardous waste," "rubbish," or "stable

matter."

~~(19)~~ (20) "Hazardous waste" means any chemical or compound or mixture thereof, substance, or article which, if improperly used, handled, transported, processed, or stored, may constitute a danger to health or may cause damage to property by reason of being explosive, flammable, poisonous, unstable, irritating or otherwise harmful.

(21) "Recyclable materials" means waste that is designated by the city as part of a special collection for processing for reuse, including but not limited to food container glass, aluminum, steel (tin) cans, #1 and #2 plastics, uncontaminated newspapers and glossy paper (magazines) and cardboard shall be considered uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling.

~~(20)~~ (22) "Residential customer" means the owner or occupant of a residential premises, or of a condominium dwelling, who is required to place his or her residential solid waste for collection by the city.

~~(21)~~ (23) "Residential premises" means any single-family dwelling or any duplex or two family dwelling within the city as defined by Chapter 15.03 of this code.

~~(22)~~ (24) "Residential solid waste" means all garbage, rubbish and bulky waste generated by a residential customer at the residence or residential unit where such person normally resides.

~~(23)~~ (25) "Rubbish" means all waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, tires exclusive of metal rims and not exceeding three feet in diameter, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances and any and all other waste materials not included in the definitions of "bulky waste," "construction debris," "dead animals," "garbage," "hazardous waste," or "stable matter."

~~(24)~~ (26) "Rubble" means inorganic construction debris such as, but not limited to, the following items: brick, concrete, asphalt, stone, concrete block and clay tile.

~~(25)~~ (27) "Solid waste" means and includes bulky waste, construction debris, dead animals, garbage, hazardous wastes, and rubbish. "Solid waste" shall not include by products or rubble as defined herein.

~~(26)~~ (28) "Stable matter" means all manure and other waste matter normally accumulated in or about a stable, or in any animal, livestock, or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

~~(27)~~ (29) "Yard waste" shall include grass clippings, leaves, garden foliage, tree trimmings, hedge trimmings, flower trimmings, dead plants, weeds and sawdust.

SECTION 2. That Chapter 4.12 "Solid Waste Collection and Disposal" of the 2005

Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing

and reenacting Section 4.12.020 "Legislative findings", to read as follows:

4.12.020 Legislative findings.

The city council finds as follows:

(1) That an exclusive municipal system for the collection of all residential solid waste is

necessary for the preservation of the public health, welfare and safety;

(2) That the periodic collection of solid waste from all places in the city benefits all occupants of places and premises in the city;

(3) That fees are to be assessed for the collection of solid waste as set forth in Section 2.08.040 Schedule of fees. Unpaid fees which are one hundred twenty (120) days delinquent may be assessed against the premises where the solid waste is produced or generated, regardless of whether such persons place such solid waste for collection in the manner prescribed in this chapter and not accumulate or scatter such solid waste in order to avoid payment of the charges imposed by this chapter. An administrative assessment fee shall be imposed as set forth in the prevailing schedule of fees; and

(4) That ~~while there is some variation in the amount of solid waste produced at single-family or duplex residential locations. With the implementation of curbside recycling, such deviation does not justify the expense of measuring the limitations of quantities at such residential location; because the expense of measuring quantities at such residential location would be greater than the extra cost of hauling additional quantities of solid waste from a residential location in the city~~ By limiting the quantities produced, participation in the curbside recycling program will be enhanced.

SECTION 3. That Chapter 4.12 “Solid Waste Collection and Disposal” of the 2005

Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing

and reenacting Section 4.12.040 “Storage of solid waste prohibited”, to read as follows:

4.12.040 Storage of solid waste prohibited.

No person, firm or corporation owning, controlling or occupying any residential premises, commercial establishment, apartment or condominium shall permit the storage on such premises, or on other private or public property, of any garbage, rubbish, bulky waste, dead animals, stable matter, construction debris, hazardous waste, rubble, sewage effluent, byproducts, stagnant water, or any other substance that would constitute a hazard to health or property, with the following exceptions:

(1) The storage of firewood on residential premises for use by the owner/occupant thereof. Firewood needs to be neatly stacked and kept at least six (6) inches off the ground to prevent rodent harborage; and

(2) The storage of any material in connection with a business, wherein the storage of such material is customarily incidental to such business, provided such storage is not contrary to zoning ordinances pertaining to outdoor storage. For purposes of this section, "storage" means the keeping of any item on a premises for other than immediate use, sale or disposal.

SECTION 4. That Chapter 4.12 “Solid Waste Collection and Disposal” of the 2005

Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing

and reenacting Section 4.12.060 “Collection and disposal – Rules and regulations”, to read as follows:

4.12.060 Collection and disposal—Rules and regulations.

(a) Collection from Residential Customers at Residential Premises.

(1) Residential solid waste shall be placed for collection in bags or containers as herein defined, or shall be properly bundled. Bags and containers shall not exceed the size and weight specified in their respective definitions. Bags must be securely tied or sealed, and containers must have a firm-fitting lid in place to prevent spillage of solid waste therefrom.

(2) Residential customers shall place residential solid waste, with the exception of bulky wastes, as defined herein, for regular weekly collection by the city or the city’s contract agent. ~~An unlimited amount of residential solid waste may be placed~~ Residential customers shall be limited to the equivalent of three (3) – 32 gallon cans or bags or one (1) – ninety-five gallon poly cart for collection on any collection day by a residential customer, but such customer may only place for collection the residential solid waste actually generated by that resident at that residential premises. Residential customers shall be responsible for purchasing a sticker for each additional bag placed at curbside on a weekly basis that is over the collection limit totaling (96) ninety-six gallons of refuse. The fees are to be assessed for extra bags for the collection of solid waste as set forth in Section 2.08.040 ‘Schedule of Fees’.

(i) Residential customers shall place residential yard waste for regular weekly collection by the city or city’s contract agent. An unlimited amount of yard waste may be placed for collection on any collection day, for the months April through November, by a residential customer. Such customer may only place for collection the yard waste actually generated by the resident at the residential premises.

(ii) Separation of Yard Waste Required. All yard waste shall be separated by the residential customer from all other solid waste and either shall be: composted on the premises; placed in a two-ply kraft paper bag affixed with a Y sticker; placed in 32 gallon trash receptacle or 95 gallon city approved poly-cart; or branches tied with string and/or twine for collection by the city’s collection contractor.

(iii) Residential customers shall place recyclable material for regular weekly collection by the city or city’s contract agent. An unlimited amount of recyclable material may be placed for collection on any collection day by a residential customer. There will be alternating weeks for the collection of recyclable materials. Blue weeks are weeks that paper, cardboard and glass will be collected. Green weeks are weeks that plastic and metal cans will be collected. Each residential customer shall be given (2) two – 18 gallon containers for the storage of recyclable materials.

(3) Residential customers may place limited amounts of construction debris, as defined herein, for regular weekly garbage collection by the city or the city’s contract agent, provided that such material must be bundled in bundles not exceeding the size and weight set forth in the definition thereof. Concrete, brick and asphalt shingles shall not be collected.

(4) Each residential customer shall place bags, bundles or containers of residential solid waste for collection at curbside immediately in front of his/her residence. A residential customer whose residence is on the corner of two intersecting streets upon which the city or the city’s contract agent operates a residential collection route may, with the concurrence of the administrative

authority, designate which street they will place their residential solid waste for collection, regardless of the street address of such residence. Bags, bundles or containers must be placed within five feet of the curb on a paved street, or within five feet of the traveled portion on an unpaved street. In those instances where alley collection has been authorized by the administrative authority, bags, bundles or containers must be placed within five feet of the paved or traveled portion thereof. Where site conditions would make it unduly difficult for the residential customer to place bags, bundles, or containers within five feet of the curb or traveled way as specified, or where due to such conditions, the city or the city's contract agent cannot pick up bags, bundles or containers therefrom without undue difficulty, the administrative authority may approve an alternate site for collection. Both the residential customer and the city's contract agents shall thereafter be required to use said alternate site for the placement and collection of residential solid waste. When weather or street conditions prevent the collection of residential solid waste on any collection route or portion thereof on any particular regular collection day, the administrative authority may temporarily waive the placement and collection of such solid waste until the next regular collection day for that collection route. After collection has occurred, residential customers shall be required to remove empty containers from the right-of-way for storage until the next collection. Containers may not be stored in the right-of-way or in the front yard setback of any residential premises. Containers shall be stored in such a manner that water will not collect therein.

(5) Each residential customer shall be required to place all bags, bundles and containers of residential solid waste for collection between the hours of 7:00 p.m. on the day preceding collection and 7:00 a.m. on the day of collection for said residence. The collection day for a particular residence shall be determined by reference to the sector within which it is located. The city shall promulgate to each residential customer a schedule indicating in which sector his/her residence is located and indicating when collections will occur in each of the five sectors into which the city is divided for collection purposes.

(6) Bulky wastes, as defined herein, will be collected only upon prior arrangement made by the residential customer with the city's contract agent. Bulky waste collections from a residential customer's premises will be made once monthly on that customer's regular residential solid waste collection day. To arrange for collection of bulky waste items, the residential customer shall be required to contact the city's contract agent on or before the first day of the month for that month's collection. There shall be a limit of (2) two bulky waste collections per year per residential address. The placement of bulky waste items for collection shall, in all other respects, be subject to the same regulations as all other residential solid waste. The volume of material collected shall not exceed 4' x 8' x 4' on any given collection day.

(7) At residential premises or other residential units served by city solid waste collection service wherein a disabled person resides and wherein there is no able-bodied resident available to place solid waste containers, bags or bundles for collection at curbside, the city will arrange to collect such waste at the residence, provided such bags, bundles, or containers are clearly visible from the street at the time of collection. The determination of the administrative authority as to whether or not a person is disabled for purposes of this provision shall be binding upon such person. Such collections will be made on the regular residential collection day for the sector within which such resident is located and subject to all other collection rules and regulations.

(8) In the event that the administrative authority determines that a residential premises is not conveniently accessible for collection by the collection vehicles of either the city or its contract agent, the administrative authority may decline to provide residential collection service to such

residence. In that event, the owner or occupant of that residence shall be required to obtain solid waste collection services from a commercial collection agent.

(9) Provision, Waiver and Denial of City Collection Service. Where there is a mixed commercial and residential use located upon a parcel of property under single ownership and control, the administrative authority may either deny or waive the provision of city collection services to the residential portion thereof if it is determined that such mixed commercial and residential use can be conveniently serviced and will be continuously serviced by a commercial collection agent, or if it is determined that the city's collection services would likely be overburdened by attempting to provide collection services to that parcel. Where a church and its parsonage or rectory are located upon a single parcel of property, the city may provide, and the parsonage or rectory may utilize, city residential solid waste collection services. The administrative authority may agree to provide city collection services to both the church and the parsonage or rectory if it is determined that such collection services can be conveniently provided and will not overburden the city's collection services. The administrative authority may withdraw such service upon its determination that such service can no longer be conveniently provided or that the city's collection service would be overburdened by the continued provision of such service.

(10) Failure to place residential solid waste for collection in appropriate bags, bundles or containers, or in the required location, or at other than the required time on the collection day shall constitute a misdemeanor. However, residential solid waste which is not placed for collection in appropriate bags, bundles, or containers, or in the required location, or during the required time on the collection day, need not be collected by the city or the city's contract agent. In the event that residential solid waste is not collected for appropriate cause, the residential customer involved shall be required to immediately remove such solid waste from curbside and either dispose of it or securely and safely store it for collection on the next collection day. Failure to so remove and either dispose of or store residential solid waste shall constitute a misdemeanor.

(11) In the event that the residential solid waste which a residential customer places for collection spills from the bags, bundles or containers prior to its collection, the city's contract agent will not be required to collect same, and the residential customer shall be required to clean up and place said solid waste for collection on the next collection day. In the event that the city's contract agent spills residential solid waste while collecting or transporting same, such agent shall immediately inform the administrative authority thereof and immediately clean up said spill.

(b) Collection from the Premises of a Commercial Establishment, Apartment or Condominium.

(1) The person, firm or corporation owning or operating (A) a commercial establishment, (B) an apartment house or complex of three or more units which are not separate properties pursuant to a horizontal property regime, or (C) a condominium dwelling which is not served city solid waste collection service shall arrange for the weekly collection and disposal of all solid waste generated therein by either a licensed commercial collection agent or by the employees of such commercial establishment, apartment or condominium, provided that the hauling vehicle is covered by a tarp to prevent spillage and subject to the following rules and regulations.

(2) Each such commercial establishment, apartment or condominium shall place its solid waste for collection in containers or bulk containers as defined in this chapter. Such containers or bulk containers shall be provided either by the owners or operators of the commercial establishment, apartment or condominium, or by their commercial collection agent.

(3) Containers for solid waste from such a commercial establishment, apartment or condominium

may be placed for collection at curbside on the date of collection, provided that said collection day does not coincide with the city's residential collection day in that zone. After collection has occurred, all containers must be removed from the right-of-way. Containers may not be stored in the right-of-way or the front yard setback of a commercial establishment for purposes of collection or storage. The location for placement of containers and bulk containers for collection and storage purposes shall be determined by the commercial establishment and its solid waste collection agent, but shall be subject to the approval of the administrative authority. Containers and bulk containers must be stored and maintained in such a manner that water will not collect therein.

(4) Every person, firm or corporation owning, occupying or operating the premises of such a commercial premises, apartment or condominium, and each tenant or occupant of an individual unit in such apartment or condominium, shall cause all solid waste generated or accumulating therein to be collected and disposed of at least once each week, either by the employees of such commercial establishment, apartment or condominium or by a commercial collection agent, unless collection at a longer interval is authorized by the administrative authority, or unless weekly collection thereof is temporarily waived by the administrative authority due to weather or street conditions.

(5) Byproducts may be collected by someone other than a commercial collection agent, if the byproducts so collected are to be used in the manufacture of another product or in another legally permissible manner.

(6) In the event that a commercial collection agent, or any other person, firm or corporation engaged in the collection or transportation of solid waste, spills such solid waste while collecting or transporting same, such agent, person, firm or corporation shall immediately inform the administrative authority thereof and shall be required to immediately clean up such spill.

(7) All vehicles utilized by any person, firm, commercial collecting agent or corporation for the purpose of solid waste collection and/or transportation must be equipped with a box that is of metal construction or other impervious material, fully enclosed, and leak proof, with the following exception:

(i) The administrative authority may make exceptions to these rules and regulations when undue hardship would result from their literal application, and may also impose further conditions and requirements when necessary to protect the public health, welfare, safety and convenience. The administrative authority is further authorized to make, and from time to time, amend as the need arises, such rules not inconsistent with the provisions of this chapter as may be necessary, reasonable and proper, to effect the proper, expedient, economical and efficient collection and removal of solid waste by either the city or its contract agent, by a commercial establishment, or by a commercial collection agent.

SECTION 5. That Chapter 4.12 "Solid Waste Collection and Disposal" of the 2005

Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing

and reenacting Section 4.12.110 "Collection fees - Residential", to read as follows:

4.12.110 Collection fees--Residential.

(a) The standard residential collection and disposal fee shall be as provided in the prevailing schedule of fees, shall be billed semiannually, shall not be transferable to another property, and

shall not be refundable unless the account is terminated.

(b) A special residential collection and disposal fee is established at one-half the standard residential collection and disposal fee created by subsection (a) of this section. The special residential collection and disposal fee shall be payable annually in advance. Failure to timely pay the special fee as provided in this subsection shall forfeit eligibility for the special fee, and shall reinstate the standard fee established in subsection (a) of this section. A family unit or owner-occupant of residential premises may be eligible for the special fee if the applicant:

(1) Has a combined gross household income which does not exceed thirteen thousand six hundred ninety dollars (~~\$13,000.00~~) \$13,690.00 annually; and

(2) Has timely filed an application with the city of Council Bluffs, Iowa, reciting such facts and requesting the benefits of this provision; and

(3) Has waived any right to confidentiality relating to the information referenced in such application and authorizes or executes a limited power of attorney to the city of Council Bluffs, Iowa, to verify such information from the records of the Iowa Department of Revenue and/or Pottawattamie County social services department; and

(4) Has received notification by the city that such application has been approved by the mayor or his/her designee; and

(5) Submits payment of the annual fee on or before the first day of December following the July billing, effective with the July, ~~1994~~ 2008 billing.

(6) Entitlement to the special fee shall be on an annual basis coinciding with the city's fiscal year commencing July 1st of each calendar year through June 30th of the subsequent calendar year.

Application for the fiscal year special fee entitlement must be received by the city on or before June 1st of the preceding fiscal year in order to be considered for approval. The form of application shall be approved by the mayor, and such forms shall be made available in city hall. This special fee shall be transferable and refundable.

(c) The administrative authority is authorized to make, and from time to time amend as the need arises, such rules not inconsistent with the provisions of this chapter as may be reasonable, necessary and proper to permit the equitable application of the collection fees in all circumstances. The administrative authority shall have the authority to make such adjustments to fees as are necessary and equitable.

SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict with the

provisions of this ordinance are hereby repealed. These are: Ord. 5012 § 1, 1991, Ord. 5020 §

1, 1991, Ord. 4817 § 1, 1987, Ord. 5169 § 1, 1994, and Ord. 5158 § 1, 1994.

SECTION 7. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for

any reason declared illegal or void, then the lawful provisions of this ordinance which are

severable from said unlawful provisions shall be and remain in full force and effect, the same as

if the ordinance contained no illegal or void provisions.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

First Consideration: May 12, 2008

Second Consideration: _____

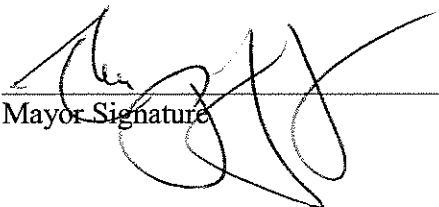
Public Hearing: _____

Third Consideration: _____

Council Communication

Department: Health – Solid Waste Division Case/Project No. Applicant: Donn Dierks	Ordinance No. <u>6002</u> Resolution No. <u> </u>	1 st Reading: <u>May 5, 2008</u>
Subject/Title Changes to Municipal Code - Chapter 4.12 – Solid Waste Collection and Disposal Changes to Municipal Code - Chapter 2.08.040 – Fees and charges under 4.12.110(a)(b) & (c)		
Background/Discussion With the implementation of curbside recycling, there are changes to Chapter 4.12 of the Municipal Code that are needed. Moving from unlimited solid waste collection to a limited collection is the most dramatic change. New definitions of curbside recycling and recyclable materials were also added. Yard waste and recyclable collections were explained in detail. With the new city collection contractor starting on July 1 st , there is a need to increase the garbage collection fee. The low income allowance was increased as was the low income fee. Since we are putting limitations on the amount of trash collected, a extra bag charge was also included.		
Recommendation I would recommend that the Mayor and City Council approve the revisions to Chapter 4.12 and to the fee changes in 2.08.040.		

Department Head



Mayor Signature

5E

Inter-Office Memo
City Of Council Bluffs
Department of Public Health

5/5/08

To: Mayor Hanafan

From: Donn Dierks – Director of Public Health

RE: Changes to Municipal Code – Chapter 4.12 – Solid Waste Collection and Disposal as and subsequent Schedule of Fees Ordinance Raising the Residential Solid Waste Collection and Disposal Fees from \$12.00/month to \$16.00/month.

With the implementation of curbside recycling Chapter 4.12 had to amended to include several changes in the way collection of solid waste will be conducted in Council Bluffs. The major change will put a limitation on the number of bags of refuse a residential customer can place at curbside.

With the approval of the new solid collection contract, current fees will not adequately cover the expenses incurred by the Solid Waste Enterprise Fund. The attached spreadsheet compares the expenses and revenues for the five year contractual period.

Consequently, I would recommend the changes to Chapter 4.12 be approved as well as current rate for residential solid waste collection service, disposal and other solid waste management programs be increased by \$4/month to a rate of \$192.00/year (\$16.00/month).

Concur: Thomas P. Hanafan – Mayor

ORDINANCE NO. 6002

AN ORDINANCE amending Chapter 2.08 “Schedule of Fees” of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 2.08.040 “Fees and charges authorized in Title 4”, and by enacting a new Section 2.08.040 “Fees and charges authorized in Title 4” to amend fees for solid waste collection and disposal.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 2.08 “Schedule of Fees” of the Council Bluffs Municipal Code be and the same is hereby amended by repealing Section 2.08.040 “Fees and charges authorized in Title 4” and enacting a new Section 2.08.040 “Fees and charges authorized in Title 4”, to read as follows:

2.08.040 Fees and charges authorized in Title 4.

Municipal Code Section	Description of License, Fee, or Permit	Charge
4.12.090	Commercial Collection (Annual fee)	\$ 40.00/pickups 75.00/packers/ large trucks
4.12.110(a)	Residential Solid Waste Collection and Disposal	140.00/year <u>192.00/year</u>
4.12.110(b)	Special Residential Solid Waste Collection and Disposal for applicants whose combined gross household income does not exceed \$12,000.00– <u>\$13,690.00</u>	70.00/year <u>96.00/year</u>
<u>4.12.110(c)</u>	<u>Extra bag charge</u>	<u>2.50/bag</u>

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance 5768 § 2 (part), 2003.

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN

Mayor

Attest: _____

JUDITH RIDGELEY

City Clerk

First Consideration: May 12, 2008

Second Consideration: _____

Public Hearing: _____

Third Consideration: _____